IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8251 of 2005

Between:

M/ Sreenivasulu, S/o. Sanjanna,
R/o. H.No. 7/107, Prakash Road,

Anantapur, Anantapur District.

..... PETITIONER

AND

1 The Regional Manager,

APSRTC, Anantapur Region,

Anantapur District.
2 The Depot Manager,

APSRTC, Uravakonda Bus Depot,

Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandmaus declaring the action of the 1st respondent in issuing the proceedings No. P4/684(66)98 RM 'A' Dt. 11-06-2003 in deleting the Petitioners name from the select list as illegal, arbitrary and unjust amounts to an act of victimization and unfair labour practice and also violative of Article 14, 16 and 21 of the Constitution of India and consequently set a side the proceedings No. P4/684(66)98 RM 'A'
Dt. 11-06-2003 issued by the 1st Respondent by reinstating the petitioner into service with all consequential benefits.

Counsel for the Petitioner: Mr. G.RAVI MOHAN

Counsel for the Respondents: Mr. P.VINAYAKA SWAMY

The Court the stage of admission made the following :

ORDER:

The petitioner worked as a Driver in the respondent-corporation. He was selected as a Driver in the year 2000 through the selection committee.

The petitioner contends that on 10-04-2003 he fell sick and the same was informed to the Depot Authorities. He underwent treatment and he was advised to take bed rest, due to which he could not attend duty during the strike period. Subsequently, the second respondent issued proceedings dated 11-06-2003 against the petitioner, alleging that the petitioner has not reported for duty during the strike period and deleting the name of the petitioner from the selected list. Therefore, his name was deleted from the approved panel of selected candidates without giving any prior notice or conducting any enquiry and without giving him any opportunity. The petitioner preferred an appeal to the appellate authority but the respondents refused to receive the said appeal stating that there is no appeal against deleting the name from the list of selected candidates. He, further, contends that this Court allowed the writ petition in W.P.No.4837 of 2003 in the matter of deleting the names of employees from the list of selected candidates without conducting any enquiry and the same was confirmed by the Division Bench of this Court in W.A.No.1259 of 2003, dated 29.08.2003. Hence, he approached this Court through this writ petition seeking a writ of mandamus declaring that the action of the second respondent through the proceedings dated 11-06-2003 deleting his name from the list of selected candidates as illegal, unjust, amounts to an act of victimization and also in violation of Articles 14,16 and 21 of the Constitution of India and to direct the second respondent to reinstate him into service.

The respondents could not place any material to show whether any prior notice was issued or any enquiry was conducted against the petitioner for his unauthorized absence. In the absence of issuing prior notice or conducting any enquiry, the deletion of the name of the petitioner from the list of selected candidates cannot be sustained.

In the light of the circumstances, the order of the second respondent dated 11-06-2003 is set aside. The second respondent is directed to restore the name of the petitioner into the list of selected candidates and allow him to discharge his duties

according to rules.

The writ petition is accordingly allowed. There shall be no order as to costs.

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(K.C.BHANU,J)

13th April, 2005.

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To

1 The Regional Manager,

APSRTC, Anantapur Region,

Anantapur District.

2 The Depot Manager,

APSRTC, Uravakonda Bus Depot,

Anantapur District.

3 Two CD copies